

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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ART-OPTIC, LTD., : 08 CV 0327 (MGC)  
:  
Plaintiff, :  
v. :  
:  
SAMUEL TOMASHOVER, MERYL :  
TOMASHOVER and NEWLIGHT :  
EYEWEAR, LLC., :  
:  
Defendants. :  
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DECLARATION OF RICHARD S. SCHURIN

Richard S. Schurin, declares and states as follows:

1. I am counsel for the Defendants in the above captioned action, and submit this declaration in opposition to Plaintiff's counsel's motion to withdraw.

2. On March 17, 2008, a status conference was held in the above matter. At the conference, among other things, the Court suggested that counsel should meet to try to resolve any outstanding discovery issues and to discuss settlement.

3. On March 24, 2008, I sent an e-mail to Plaintiff's counsel Shira Rosenfeld asking her to contact me to schedule a date to meet. A true and correct copy of this e-mail is attached hereto as Exhibit 1.

4. I never received a response from Ms. Rosenfeld to my email.

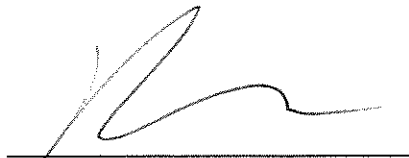
5. Thereafter, I had various conversations with Eric Sherby. Upon information and belief, Mr. Sherby is a principal of a Israeli law firm named Sherby & Co, Advs. located in Ramat Gan, Israel. The website for this law firm is located at [www.sherby.co.il](http://www.sherby.co.il).

6. During our conversations, Mr. Sherby indicated that he had been retained by Plaintiff only for the purpose of trying to settle the overall dispute between the parties. Mr. Sherby specifically indicated that, although he was aware that Plaintiff was searching for new counsel in this matter, he was not representing Plaintiff in this case.

7. Ultimately, the parties' settlement efforts were not successful.

8. I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable as perjury under the laws of the United States and may result in a fine or imprisonment, or both.

Dated: August 28, 2008

  
Richard S. Schurin

# **EXHIBIT 1**

**Richard Schurin**

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**From:** Richard Schurin  
**Sent:** Monday, March 24, 2008 9:41 AM  
**To:** 'Shira Rosenfeld'  
**Cc:** Yuval Marcus; Marc Misthal  
**Subject:** Art-Optic

Shira:

As previously discussed, please give me a few dates and times on which we can meet to discuss discovery, settlement and any other unresolved issues in this case. As I said, I am available most dates and times.

Very truly yours,

Richard S. Schurin, Esq.  
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8/28/2008